

[Bunn v. MMR/Foley](#), 89-ERA-5 (Sec'y Aug. 2, 1989)

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U.S. DEPARTMENT OF LABOR
SECRETARY OF LABOR
WASHINGTON, D C.

DATE: September 29, 1989
CASE NO. 89-ERA-00005

IN THE MATTER OF

RICK W. BUNN,
COMPLAINANT,

v.

MMR/FOLEY, RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT

This case arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). Administrative Law Judge (ALJ) Robert J. Feldman submitted a Final Order of Dismissal to me on January 26, 1989. The ALJ's order stated that the parties did not attend a hearing scheduled for January 6, 1989, and that Complainant's counsel had represented that the case had been settled. Because no settlement agreement was in the record, on August 2, 1989, I issued an Order To Submit Settlement Agreement and the agreement, signed by both parties, has been received.

My authority over this settlement agreement is limited to such statutes as are within my jurisdiction and is defined by the applicable statute. *See Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, November 2, 1987; *Goese v. EBASCO Services, Inc.*, Case No. 88-ERA-25, Sec. Order Approving

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Settlement and Dismissing Case, December 8, 1988; *Aurich v. Consolidated Edison Company of New York, Inc.*, Case No. 86-CA-A-2, Sec. Order Approving Settlement,

July 29, 1987; *Chase v. Buncombe County, N.C.*, Case No. 85-SWD-4, Sec. Decision and Order on Remand, November 3, 1986. Accordingly, I have limited my review of the settlement agreement to determining whether its conditions are a fair, adequate and reasonable settlement of Complainant's allegations under the ERA.

Upon review of the terms of the agreement signed by the parties, I find that it is fair, adequate and reasonable. I, therefore, approve the settlement and accept the ALJ's recommendation that this case be dismissed.

Accordingly, the complaint in this case is DISMISSED with prejudice.

SO ORDERED.

Elizabeth Dole

Secretary of Labor

Washington, D.C.